

Message

From: Maier, Brent [Maier.Brent@epa.gov]
Sent: 6/11/2018 4:32:14 PM
To: Levine, Carolyn [Levine.Carolyn@epa.gov]
CC: LEE, LILY [LEE.LILY@EPA.GOV]; Chesnutt, John [Chesnutt.John@epa.gov]; Glenn, William [Glenn.William@epa.gov]; Zito, Kelly [ZITO.KELLY@EPA.GOV]
Subject: Please Review Draft Response Letter to Rep. Nancy Pelosi Regarding Hunters Point
Attachments: 2018-6-8 V3 Pelosi - Hunters Point - Response to 5-14-2018 ltr.docx; Pruitt Spencer 5.14.pdf

Carolyn –

Please review this latest draft response to Pelosi's incoming letter. I have included the incoming letter for your reference. Once OCIR is comfortable with the draft response, I then plan to share with Jeanine Womble who is in the Navy's Office of Legislative Affairs and participated in our recent calls with Rep. Pelosi, Sen. Feinstein, and Sen. Harris. Please provide me with any feedback and/or suggested changes as we would like to share with the Navy as soon as possible. Thanks.

CDR Jeanine Womble, JAGC, USN
Legislative Counsel
Navy Office of Legislative Affairs
703-697-5946

Brent Maier

Congressional Liaison
U.S. Environmental Protection Agency, Region IX
75 Hawthorne St. (OPA-3)
San Francisco, CA 94105
Ph: 415.947.4256
Mobile: 415.760.9170

From: LEE, LILY
Sent: Friday, June 08, 2018 4:38 PM
To: Hodges, Carson <Hodges.Carson@epa.gov>
Cc: Neal, Kerry <neal.kerry@epa.gov>; Lovett, Lauren <Lovett.Lauren@epa.gov>; Timmins, Kathleen <Timmins.Kathleen@epa.gov>; Chesnutt, John <Chesnutt.John@epa.gov>; Butler, Thomas <Butler.Thomas@epa.gov>; Maier, Brent <Maier.Brent@epa.gov>
Subject: RE: More re Navy designated lead agency Re: Request HQ response to Rep. Nancy Pelosi Ltr section re suspension & debarment of Tetra Tech - Due 6/14

Dear Carson,

I'm sorry I have received some more slight edits from others here, so here is revised language for your consideration:

I understand that you have concerns about suspension, debarment and other forms of legal action against Tetra Tech and its subsidiary Tetra Tech EC, Inc. We coordinate with the Navy on this issue, and the Navy has been designated as the lead agency at the former Hunters Point Naval Shipyard and is evaluating appropriate actions with regard to Tetra Tech EC Inc.'s activities.

From: LEE, LILY
Sent: Friday, June 8, 2018 3:19 PM
To: Hodges, Carson <Hodges.Carson@epa.gov>
Cc: Neal, Kerry <neal.kerry@epa.gov>; Lovett, Lauren <Lovett.Lauren@epa.gov>; Timmins, Kathleen <Timmins.Kathleen@epa.gov>
Subject: More re Navy designated lead agency Re: Request HQ response to Rep. Nancy Pelosi Ltr section re suspension & debarment of Tetra Tech - Due 6/14

Since this letter was also addressed to the Navy, I just talked with my Navy contact person to ensure we are factually accurate in describing roles. He consulted with his attorney. Here is language they are comfortable with:

I understand that you have concerns about suspension, debarment and other forms of legal action against Tetra Tech and its subsidiary Tetra Tech EC, Inc. We share your concern. We coordinate with the Navy on this issue, and the Navy has been designated as the lead agency at the former Hunters Point Naval Shipyard and is evaluating appropriate actions with regard to Tetra Tech's activities.

From: Hodges, Carson
Sent: Friday, June 8, 2018 12:06 PM
To: LEE, LILY <LEE.LILY@EPA.GOV>
Cc: Neal, Kerry <neal.kerry@epa.gov>; Lovett, Lauren <Lovett.Lauren@epa.gov>; Timmins, Kathleen <Timmins.Kathleen@epa.gov>
Subject: RE: Revised Draft placeholder language Re: Request HQ response to Rep. Nancy Pelosi Ltr section re suspension & debarment of Tetra Tech - Due 6/14

Hi Lily,

The due date on this is Wednesday, correct?

I think there is some concern with publicly stating that Navy has lead agency on this matter because it's a pre-decisional status. That is, if Navy wants to make that fact known, great ... but we shouldn't say it for them.

Both my Division Director and Lauren will be back on Monday if we can hold off until then.

Carson Hodges
Deputy Director, Suspension and Debarment Division
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW (MC 3902R) Washington, DC 20460
Office: 202.564.5332 | Email: hodges.carson@epa.gov

From: LEE, LILY
Sent: Friday, June 08, 2018 3:02 PM
To: Hodges, Carson <Hodges.Carson@epa.gov>
Cc: Neal, Kerry <neal.kerry@epa.gov>; Lovett, Lauren <Lovett.Lauren@epa.gov>
Subject: RE: Revised Draft placeholder language Re: Request HQ response to Rep. Nancy Pelosi Ltr section re suspension & debarment of Tetra Tech - Due 6/14

Hi Carson,

Thank you for your review. I just left you a voicemail to follow up. I shared your response with some of our R9 managers. They asked me if this part of the letter was really directed more toward the Navy vs. EPA. I then

remembered that Ross Phillips had stated in the email below that the "Navy has been designated as the lead agency for suspension and debarment with regard to Tetra Tech's activities at the former Hunters Point Naval Shipyard."

Cong. Pelosi sent this letter to both the Navy and the EPA. Should we clarify roles more? E.g. should we say something more like this?

I understand that you have concerns about suspension, debarment and other forms of legal action against Tetra Tech and its subsidiary Tetra Tech EC, Inc. We share your concern. We coordinate closely with the Navy on this issue, and the Navy has been designated as the lead agency for suspension and debarment with regard to Tetra Tech's activities at the former Hunters Point Naval Shipyard.

From: Hodges, Carson

Sent: Friday, June 8, 2018 6:41 AM

To: LEE, LILY <LEE.LILY@EPA.GOV>

Cc: Neal, Kerry <neal.kerry@epa.gov>; Lovett, Lauren <Lovett.Lauren@epa.gov>

Subject: RE: Revised Draft placeholder language Re: Request HQ response to Rep. Nancy Pelosi Ltr section re suspension & debarment of Tetra Tech - Due 6/14

Hi Lily,

We think the language is good as-is. I made a couple of small typo edits, highlighted below.

"I understand that you have concerns about suspension, debarment and other forms of legal action against Tetra Tech and its subsidiary Tetra Tech EC, Inc. As you are aware, enforcement-related matters are confidential; therefore, EPA cannot share information about any potential enforcement actions related to this issue."

Carson Hodges

Deputy Director, Suspension and Debarment Division

U.S. Environmental Protection Agency

1200 Pennsylvania Ave. NW (MC 3902R) Washington, DC 20460

Office: 202.564.5332 | Email: hodges.carson@epa.gov

From: LEE, LILY

Sent: Wednesday, June 06, 2018 11:05 AM

To: Hodges, Carson <Hodges.Carson@epa.gov>

Subject: FW: Revised Draft placeholder language Re: Request HQ response to Rep. Nancy Pelosi Ltr section re suspension & debarment of Tetra Tech - Due 6/14

Dear Carson,

Kathleen's out-of-office message left you as her backup contact. Could you help me with this Congressional response? I would appreciate it

- Lily

From: LEE, LILY

Sent: Wednesday, June 6, 2018 8:00 AM

To: Timmins, Kathleen <Timmins.Kathleen@epa.gov>

Cc: Chesnutt, John <Chesnutt.John@epa.gov>; Fairbanks, Brianna <fairbanks.brianna@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>; Young, Dianna <Young.Dianna@epa.gov>

Subject: Revised Draft placeholder language Re: Request HQ response to Rep. Nancy Pelosi Ltr section re suspension & debarment of Tetra Tech - Due 6/14

Dear Kathleen,

I understand that you have already talked with others in Region 9 about this matter. I am following up on this email that Ross Phillips sent. We are still working on a draft response to the attached 5/14 letter from Congresswoman Pelosi, but our deadline has been extended to 6/14. Here is a slightly revised placeholder sentence, but, of course, we will replace it with whatever language you deem appropriate.

“I understand that you have concerns about suspension, debarment and other forms of legal action against Tetra Tech and its subsidiary Tetra Tech EC Inc. As you are aware, enforcement-related matters are confidential; therefore, EPA cannot share information about any potential enforcement actions related to this issue.”

Here is the relevant excerpt from the incoming Cong. Pelosi Ltr:

With last week’s sentencing of two former Tetra Tech supervisors who plead guilty to falsifying records, I applaud the work of the dedicated federal prosecutors and the law enforcement personnel from the Department of Defense, EPA, and the Nuclear Regulatory Commission whose investigation led to the conviction.

The public deserves to know how such widespread data falsification could have occurred, and whether this level of fraud extended beyond the two supervisors. These actions represent a breach of the public trust, and the Navy must seriously consider the evidence against Tetra Tech and specifically subsidiary Tetra Tech EC, which may be of such a serious and compelling nature that suspension or disbarment should be enforced. All federal agencies contracting with Tetra Tech should be made aware of the serious investigations underway regarding their work at Hunters Point, so that they can be on guard to safeguard against other potential fraudulent activities.

Contractors who defraud our government must be held to account, taxpayers must be made whole, and all those who commit fraudulent activities must be brought to justice.

I would appreciate your recommendations for appropriate language for a response.

Thank you!

- Lily

From: Phillips, Ross

Sent: Thursday, May 31, 2018 12:53 PM

To: LEE, LILY <LEE.LILY@EPA.GOV>; Young, Dianna <Young.Dianna@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>

Cc: Chesnutt, John <Chesnutt.John@epa.gov>; Maier, Brent <Maier.Brent@epa.gov>; Fairbanks, Brianna <Fairbanks.Brianna@epa.gov>; Timmins, Kathleen <Timmins.Kathleen@epa.gov>

Subject: RE: Draft placeholder language Re: Request HQ response to Rep. Nancy Pelosi Ltr section re suspension & debarment of Tetra Tech - Due 6/7

All,

I apologize for my delayed response to these emails. I returned today from annual leave and was without access to my email.

Navy has been designated as the lead agency for suspension and debarment with regard to Tetra Tech's activities at the former Hunters Point Naval Shipyard. EPA SDD is in communication with the Navy's S&D department. I handle S&D matters arising out of Region 9; however, with regard to Tetra Tech, I have recused myself based upon a potential conflict of interest. If you have any additional questions, please contact the SDD Division Director, Kathleen Timmins. Kathy is cc'd to this email and her phone number is 202-564-5292.

Thanks,

Ross Phillips

Attorney-Advisor, Suspension and Debarment Division
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW (MC 3902R) Washington, DC 20460
Office: 202.564.8178 | Email: phillips.ross@epa.gov

From: LEE, LILY

Sent: Thursday, May 31, 2018 1:22 PM

To: Young, Dianna <Young.Dianna@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>; Phillips, Ross <phillips.ross@epa.gov>

Cc: Chesnutt, John <Chesnutt.John@epa.gov>; Maier, Brent <Maier.Brent@epa.gov>; Fairbanks, Brianna <Fairbanks.Brianna@epa.gov>

Subject: Draft placeholder language Re: Request HQ response to Rep. Nancy Pelosi Ltr section re suspension & debarment of Tetra Tech - Due 6/7

Dear Dianna,

Thank you for coordinating with others in OLEM. In response to Bob's questions:

The letter came from HQ Congressional office to Region 9 to respond, and we are expecting the new RA to sign it. I forwarded this letter to Dianna 5/14, the day it arrived, along with the assignment to R9 as the lead.

The portions of the letter re suspension/debarment, etc., address matters beyond the scope of Region 9 responsibility, so we do not want to go forward without consulting with appropriate HQ contacts.

Yes, the Navy is writing its own response, and we are coordinating with their Congressional liaison and BRAC management. We and the Navy have been holding off on sending a written response while we work on confirming a tangible plan with our State partners. In the mean time, the Navy and EPA are doing a phone call with Congresswoman Pelosi's Chief of Staff 6/1, along with staff from Sen. Harris' and Feinstein's offices. We will explain the reason for the delay on responding in writing.

Though one sentence in the incoming letter references the Navy, the rest of the language could be read as broader, especially re raising awareness among all Federal agencies. In addition, in our level conversations with the HQ debarment and suspension office, we have been told that any of the Federal agencies can propose suspension/debarment through an established interagency group.

Here is draft placeholder language I put in while R9 does its internal review. Of course, we will replace it with whatever HQ feels is appropriate.

I understand that you have concerns about suspension and debarment and other forms of legal action against Tetra Tech and its subsidiary Tetra Tech EC Inc. As always, any enforcement matters that EPA may or may not be engaged in would be considered confidential and inappropriate to share.

Please let me know any further questions or guidance you may have. Thanks!

Lily

Sent from my iPhone

On May 31, 2018, at 5:59 AM, Young, Dianna <Young.Dianna@epa.gov> wrote:

Bob,

Thanks for the feedback. It's my understanding that the Congressional correspondence was assigned to Region 9 and they will sign off on it (not sure what level signature). They are drafting the site-specific information and are asking for HQ input on the contract aspect. However, I am copying Lily Lee, the HP RPM, and she can correct me if I'm wrong. Also, Lily can look at your questions and respond.

Thanks
Dianna

From: Jennings, Robert
Sent: Thursday, May 31, 2018 8:32 AM
To: Young, Dianna <Young.Dianna@epa.gov>
Cc: Leonard, Paul <leonard.paul@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Barr, Pamela <Barr.Pamela@epa.gov>
Subject: RE: Request HQ response to Rep. Nancy Pelosi Ltr section re suspension & debarment of Tetra Tech - Due 6/7

Dianna:

A few thoughts come to mind. First, has anyone shared this with OLEM and can we assume this inquiry came in via our Congressional Liaison Office? Second since the letter is addressed to both EPA and Navy, has anyone determined if Navy is issuing their own response or if there will be joint response? Do we know when the Navy plans to have their response? Does anyone know who in EPA is responsible for coordinating with the Navy (assuming we are going to coordinate)? Would the lead be our Congressional liaison office, OLEM, FFRRO, someone else? Have we determined who is signing the response to the letter?

Regarding the suspension and debarment matter, the way I read the memo, the letter is stating that the Navy must seriously consider evidence against Tetra-Tech....(not EPA). Seemingly the Navy would be responsible for responding to that part of the letter and the EPA response would be something along the line that any actions EPA takes will dependent on Navy findings.

Bob Jennings
Office of Superfund Remediation and Technology Innovation
703.603.8723 (desk)
571.289.0054 (cell)

From: Young, Dianna
Sent: Wednesday, May 30, 2018 6:33 PM
To: Jennings, Robert <Jennings.Robert@epa.gov>
Cc: Leonard, Paul <leonard.paul@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>

Subject: Fwd: Request HQ response to Rep. Nancy Pelosi Ltr section re suspension & debarment of Tetra Tech - Due 6/7

Bob,

Paul Leonard asked that I forward this to you in hopes you can suggest who might be able to provide the property language re suspension and debarment.

Thanks in advance

Dianna

Begin forwarded message:

From: "LEE, LILY" <LEE.LILY@EPA.GOV>
Date: May 30, 2018 at 6:07:20 PM EDT
To: "Young, Dianna" <Young.Dianna@epa.gov>, "Phillips, Ross" <phillips.ross@epa.gov>, "Azad, Ava" <Azad.Ava@epa.gov>
Cc: "Chesnutt, John" <Chesnutt.John@epa.gov>
Subject: Request HQ response to Rep. Nancy Pelosi Ltr section re suspension & debarment of Tetra Tech - Due 6/7

Dear Dianna, Ava, and Ross,

EPA Region 9 was assigned to respond to the attached letter to Administrator Pruitt from Congresswoman Nancy Pelosi. The Region will respond to the portions of the letter about the local Superfund site. However, it is probably more appropriate for HQ to respond to the portion about suspension & debarment of Tetra Tech. Could you please provide language we can insert into the letter? Below is a part of the Pelosi letter that deals with this issue: